

# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

October 3, 2014

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

Michael Rojo  
Environmental Services, Supervisor  
NV Energy  
PO Box 279, MS 77  
501 Wally Kay Drive  
Moapa, NV 89025

Re: **NV Energy (NVE)**  
**Reid Gardner Station (RGS)**  
**NDEP Facility ID #H-000530**  
Nevada Division of Environmental Protection (NDEP) Comments on:  
*Implementation of Administrative Order on Consent (AOC) Quarterly*  
*Meeting/Workshop, Meeting Notes for January 29, 2014 Meeting*

Dear Mr. Rojo:

The NDEP has reviewed NVE's *Implementation of Administrative Order on Consent (AOC) Quarterly Meeting, Meeting Notes* for the January 29, 2014 AOC meeting. The meeting note cover letter is dated June 9, 2014 and was received by the NDEP on June 16, 2014. The meeting notes summarize the topics discussed during the meeting.

In the June 9, 2014 cover letter, NVE asked for the NDEP to clarify the following wording that was included in the meeting minutes: *"NDEP stated that the proposed background arsenic concentration in soil may affect the groundwater concentrations. They expressed concern that any background number that is to be agreed upon for soil must also be protective of the groundwater. They stated that it is difficult to pick a background number for soil without knowing the resulting impact to groundwater."* Specifically, NVE asks that the NDEP please clarify the relationship between naturally occurring arsenic in soil and groundwater cleanup levels.

NDEP's response to the request for clarification is as follows:

If soils that contain naturally occurring concentrations of metals are located in an environment that promotes leaching or are otherwise physically changed through site operations which would increase potential mobilization of metals, then these soils can still be considered as a contributor of groundwater contamination that is not considered background. For example, even though pond solids may have concentrations of metals consistent with background soil concentrations; the solids are different from background soils and the solids are located in an area that has been changed through site operations. Groundwater concentrations of metals beneath these ponds would not automatically be considered background just because the pond solid concentrations are consistent with soil background. As another example, arsenic in solids in the altered environment of the ponds cannot be considered to behave the same as arsenic in the natural environment in the vicinity of the Site. Therefore, background arsenic concentrations applied to areas impacted by operations may not be protective of groundwater in the vicinity of the altered environment (ponds).

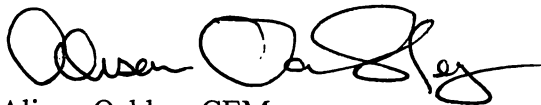


Additionally, please review the following comments from NDEP to the meeting notes:

1. General Comment: Please include the date the meeting notes were issued as well as the date the meeting was held on this and future meeting notes.
2. General Comment: The NDEP believes that meeting notes should be a summary of what was discussed at the meeting and should not contain opinion or commentary related to what occurred. These minutes contain several instances where opinion and commentary have been added. For this reason, NDEP does not concur with the minutes. NDEP requests that future minutes be further summarized and focused on central points of concurrence, disagreement and action items.
3. Background Conditions Report – Soils, page 2, second paragraph: In the discussion of the applicability of using data from the Henderson Landfill and the BMI Complex arsenic data, the NDEP team also stated that the use of data from the USGS paper for metals data in the U.S. (Shacklette and Boerngen, 1984, USGS paper 1270), cited in the Background Conditions Report, as a comparison is questionable because the purpose of that investigation was to evaluate mineral deposits and was biased towards areas suspected of having higher than average minerals.
4. Background Conditions Report – Groundwater, page 3, bottom of first paragraph: See General Comment 2. The last couple of sentences in this paragraph express the opinion of the NVE team and are not, strictly speaking, a summary of what occurred at the meeting.
5. Background Conditions Report – Groundwater, page 3, bottom of first paragraph: In regards to the opinion stated in the last sentence of the first paragraph, the NDEP wants to reiterate that we do not feel that the conceptual site model is robust enough to conclusively determine that the Muddy River is a hydraulic divide within the alluvial aquifer. We still believe that there are some data gaps that should be filled to support NVE's position.

Please contact the undersigned with any questions or comments about this letter at (775) 687-9396 or [aoakley@ndep.nv.gov](mailto:aoakley@ndep.nv.gov)

Sincerely,



Alison Oakley, CEM  
Environmental Scientist III  
Bureau of Corrective Actions  
NDEP-Carson City Office

Mr. Mike Rojo  
October 3, 2014  
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ec: Jeff Collins, (NDEP), Bureau of Corrective Action Chief  
Scott Smale, Bureau of Corrective Actions, NDEP Carson City  
Todd Croft, Bureau of Corrective Actions, NDEP Las Vegas  
Bill Campbell, Tribal Liaison, NDEP  
Alan Tiney, Bureau of Water Pollution Control, NDEP  
Ebrahim Juma, Clean Water Team (ejuma@cleanwaterteam.com)  
Joe Leedy, Clean Water Team (jleedy@cleanwaterteam.com)  
Lynn M. Cintron, Southern Nevada Health District, (cintron@snhdmail.org)  
Amy Irani, Environmental Health Manager (Irani@snhdmail.org)  
Brian Northam, Southern Nevada Health District, (northam@snhdmail.org)  
Walter Ross, Environmental Health Supervisor/Engineer (Ross@snhdmail.org)  
Andy Chaney, Southern Nevada Health District, (chaney@snhdmail.org)  
Donna Houston, Southern Nevada Health District, (houston@snhdmail.org)  
Starla Lacy, NV Energy (SLacy@nvenergy.com)  
Darren Patten, NV Energy (DPatten@nvenergy.com)  
Tony Garcia, NV Energy (TGarcia@nvenergy.com)  
Michael Rojo, NV Energy (MRojo@nvenergy.com)  
Jason Reed, NV Energy (JReed@nvenergy.com)  
Becky Svatos, Stanley Consultants, Inc., (SvatosBecky@stanleygroup.com)  
William Carrig, Stanley Consultants, Inc., (CarrigBill@stanleygroup.com)  
John Kivett, ARCADIS U.S., Inc., (John.Kivett@arcadis-us.com)  
Brad Cross, ARCADIS U.S., Inc., (Brad.Cross@arcadis-us.com)

cc: Althea Tom, Moapa Band of Paiutes, Chairperson, P.O. Box 340, Moapa, NV 89025  
Darren Daboda, Moapa Band of Paiutes, Environmental Director, P.O. Box 340, Moapa, NV 89025  
Clark County Emergency Management, 500 S. Grand Central Parkway 6th Floor, P.O. Box 551713, Las Vegas,  
NV 89155-1713  
Anitha Rednam, Department of Water Resources, 1416 9th Street, Room 1140, Sacramento CA 95814  
Dan Galpern, Law Offices of Charles M. Tebbutt, P.C., 941 Lawrence St., Eugene, OR 97401-2815